

# **EXHIBIT 15**

JAN-29-2008 19:06 JAFFE LAW PC 2  
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JAN-29-2008 17:09 From:CONDON &amp; FORSYTH LLP 12123704465

To: 714 285 9700

P. 3/7

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5 -and-

6 Marshall S. Turner (*pro hac vice*)  
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7 7 Times Square  
New York, NY 10036  
8 Telephone: (212) 490-9100  
Facsimile: (212) 370-4453  
9 Email: mturner@condonlaw.com

10 Attorneys for Plaintiff and Counter-Defendant  
ALL NIPPON AIRWAYS COMPANY, LTD.

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 ALL NIPPON AIRWAYS COMPANY,) Case No. C07-03422 EDL  
15 LTD.,

16 Plaintiff,

17 vs.

18 UNITED AIR LINES, INC.,

19 Defendant.

DECLARATION OF  
MARSHALL S. TURNER  
IN SUPPORT OF ANA'S  
PRODUCTION OF DOCUMENTS

20 AND RELATED COUNTER-CLAIM

21 DECLARATION OF MARSHALL S. TURNER

22 Marshall S. Turner, being duly sworn, deposes and says:

23 1. I am an attorney and a member of the law firm of Condon & Forsyth LLP,  
24 attorneys for plaintiff All Nippon Airways Co., Ltd. ("ANA") in the above-  
25 captioned matter. I make this declaration pursuant to the Court's Order dated  
26 January 22, 2008 denying United Air Lines, Inc.'s Motion to Compel and in  
27 support of ANA's production of documents responsive to the document requests  
28 made by defendant United Air Lines, Inc. ("UAL").

DECLARATION OF MARSHALL S. TURNER IN SUPPORT OF  
ANA'S PRODUCTION OF DOCUMENTS  
CASE NO : C07-03422 EDL.

2. With respect to Request Nos. 1 and 8 of UAL's First Request to Produce concerning ANA's "lost use" damages and repair costs, ANA has produced all documents in its possession, custody, or control that support its claims for damages. See Bates Nos. ANA 001295-001335 and 001355-001623.

3. With respect to Request Nos. 2 through 4 of UAL's First Request to Produce concerning disciplinary actions against the members of ANA's flight crew, ANA has not produced any document because these individuals have not been the subject of any such action. Accordingly, ANA is not aware of any document responsive to these requests.

4. With respect to Request No. 5 of UAL's First Request to Produce concerning ANA's CVR recording, ANA has not produced the same because it is not discoverable pursuant to 49 U.S.C. §§ 1114, 1154.

5. With respect to Request No. 6 of UAL's First Request to Produce and Request No. 2 of the document requests listed in Exhibit A of UAL's Fourth Amended Notice of Taking Video Depositions concerning ANA's Pilot Files, the pilots' aviation certificates were all produced at or prior to their depositions. The pilots' training records were produced by each pilot at his deposition in redacted form. Upon entry of the revised Confidentiality Order, ANA will produce copies of all such documents, including unredacted copies of each pilot's training record, and has reserved Bates Nos. ANA 001624-001646 for documents responsive to these requests.

6. With respect to Request No. 7 of UAL's First Request to Produce and Request No. 3 of the document requests listed in Exhibit A of UAL's Fourth Amended Notice of Taking Video Depositions concerning documents related to the Standard Ground Handling Agreement ("SGHA"), ANA has produced copies of emails between the parties discussing the SGHA in effect on the date of the Accident which it believes to be all responsive documents in its possession,

1 custody, or control. See Bates Nos. ANA 001336-001346.

2 7. With respect to Request No. 9 of UAL's First Request to Produce  
3 concerning photographs and video, ANA has produced photographs, the FAA  
4 Radio and Ramp Control communications, the FAA Tower video, the Security  
5 Camera video, and the Spot 10 Video which it believes to be all responsive  
6 documents in its possession, custody, or control. See Photographs, Bates Nos.  
7 ANA 001071, 001072, 001114 through 001129, 001154 through 001206, and  
8 001347 through 001354. See Video, CD, and/or DVD, Bates Nos. ANA 001134-  
9 001136, 001138, and 001140.

10 8. With respect to Request No. 10 of UAL's First Request to Produce  
11 concerning ANA policy relative to ANA pilots clearing potential conflicts with  
12 other aircraft prior to or during taxi, ANA is not aware of any document responsive  
13 to this request.

14 9. With respect to Request No. 1 of the document requests listed in Exhibit A  
15 of UAL's Fourth Amended Notice of Taking Video Depositions concerning  
16 ANA's investigation file, ANA produced its investigation file in its Rule 26 initial  
17 disclosure which it believes to be all responsive documents in its possession,  
18 custody, or control. See Bates No. ANA 001001-001294.

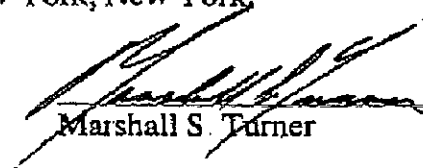
19 10. With respect to Request Nos. 4 through 7 of the document requests listed in  
20 Exhibit A of UAL's Fourth Amended Notice of Taking Video Depositions  
21 concerning ANA's Operations Manual (which was served upon ANA fewer than  
22 four (4) business days before the commencement of the depositions), publications  
23 required to be onboard, and routing charts, ANA has produced (i) the English  
24 version of the relevant section of the ANA Operations Manual currently in effect;  
25 (ii) the Japanese version of the relevant section of the ANA Operations Manual in  
26 effect on October 7, 2003 concerning "In-Flight" operations; (iii) the entire  
27 Japanese version of the ANA Operations Manual that is currently in effect; and (iv)  
28

1 the relevant Jeppesen charts. ANA believes it has produced all relevant documents  
2 that are responsive to UAL's requests and, at the "meet and confer" meeting on  
3 January 24, 2008, offered to reconstruct manuals in effect on October 7, 2003 that  
4 UAL identifies as relevant to this litigation.


5 I declare under penalty of perjury under the laws of the United States of  
6 America that the foregoing is true and correct.

7 Executed this 29<sup>th</sup> day of January, 2008, at New York, New York.

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Marshall S. Turner

Sworn to before me this  
29th day of January, 2008

  
Notary Public

TINA M. ZOCCALI  
Notary Public, State of New York  
No. 01206059025  
Qualified in Rockland County  
Commission Expires May 21, 2011

**CERTIFICATE OF SERVICE**

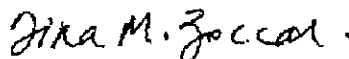
The undersigned certifies that a copy of the foregoing **DECLARATION OF MARSHALL S. TURNER IN SUPPORT OF ALL NIPPON AIRWAYS COMPANY, LTD'S PRODUCTION OF DOCUMENTS** was mailed this 29<sup>TH</sup> day of January, 2008, to:

Scott R. Torpey, Esq. Jaffe, Raitt, Heuer & Weiss 2777 Franklin Road, Suite 2500 Southfield, MI 48034-8214 Phone: (248) 727-1461 Fax: (248) 351-3082	Attorneys for defendant
Jeffrey A. Worthe, Esq. Worthe, Hanson & Worthe The Xerox Centre 1851 East First Street, Ninth Floor Santa Ana, CA 92705	Attorneys for defendant

in a properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
HEATHER V. JACKSON

Sworn to before me this  
29th day of January, 2008

  
Notary Public

TINA M. ZOCCALI  
Notary Public, State of New York  
No. 01206059025  
Qualified in Rockland County  
Commission Expires May 21, 20 11

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DECLARATION OF MARSHALL S. TURNER IN SUPPORT OF  
ANA'S PRODUCTION OF DOCUMENTS  
CASE NO.: C07-03422 EDL

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